

Article - Natural Resources

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§4-745.

(a) (1) Except as provided in subsections (c) and (d) of this section and § 4-217 of this title, a person may not fish for finfish in the Chesapeake Bay or in its tributaries up to tidal boundaries or in State waters of the Atlantic Ocean and the Atlantic coastal bays and their tributaries without first obtaining a Chesapeake Bay and coastal sport fishing license or registration issued under subsection (d)(3) of this section and possessing the license or registration.

(2) The license may be obtained from the Department or from any authorized agent of the Department.

(3) Subject to paragraph (4) of this subsection, the following annual license fees shall apply:

- (i) Resident.....\$15
- (ii) Short-term resident license valid for 7 consecutive days from date of issue.....\$6
- (iii) For a short-term nonresident license valid for 7 consecutive days from date of issue.....\$12
- (iv) Nonresident.....\$22.50
- (v) Resident and nonresident blind persons.....No fee
- (vi) Complimentary license under subsection (e) of this section.....No fee

(4) The Department shall implement a program to provide discounted Chesapeake Bay and coastal sport fishing licenses to Maryland residents who are recipients of the Purple Heart Award.

(5) Except as provided in subsection (d)(1) of this section, every Chesapeake Bay and coastal sport fishing license and registration shall be valid for 1 year following the date of issuance.

(6) An applicant for a license issued under this section:

(i) Shall provide all the information requested by the Department; and

(ii) May not willfully make a false statement or representation to the Department on the application.

(b) (1) The Department may designate a person engaged in a commercial enterprise to sell the Chesapeake Bay and coastal sport fishing license or issue a registration under subsection (d) of this section as an agent under the Department's control and supervision.

(2) (i) As compensation, the agent shall retain \$1 for each license issued.

(ii) There is no agent compensation for each registration issued.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, all fees collected on behalf of the Department pursuant to this section shall be remitted to the Department in accordance with its rules and regulations for deposit with the State Treasurer to the credit of the Fisheries Research and Development Fund to be used for the replenishment, protection, and conservation of fish stocks caught by recreational fishermen, for enhancement of recreational fishing opportunities, and for research concerning tidal fishery resources. The Department shall publicly report annually the amounts collected and the expenditures.

(ii) In fiscal year 1999 and in each subsequent fiscal year, the Department, for the purposes set forth in subparagraph (iii) of this paragraph, shall use:

1. \$2 from the sale of each license under subsection (a) of this section;

2. \$20 from the sale of each license under subsection (d)(2) of this section; and

3. \$225 of the special charter boat license under subsection (d)(1) of this section.

(iii) The Department shall use the money specified in subparagraph (ii) of this paragraph for:

1. Achieving the maximum federal fund apportionments;

and

2. Management assessment and sport fishing surveys;

3. Angler outreach and public fishing information.

(4) In the preparation of plans for the expenditure of license receipts, the Secretary annually shall solicit the advice and opinions of the Department's Sport Fisheries Advisory Commission, representative fishing and boating associations, and other interested parties.

(5) In addition to any other penalty provided for in this title, an agent convicted of violating this section shall lose the agent's privileges.

(c) A person may fish for finfish in the Chesapeake Bay or its tidal tributaries or in State waters of the Atlantic Ocean and coastal bays and their tributaries without a Chesapeake Bay and coastal sport fishing license if the person:

(1) Is under the age of 16;

(2) Possesses a valid commercial license;

(3) Holds a valid tidal water sport fishing license issued by the Commonwealth of Virginia, Potomac River Fisheries Commission, or District of Columbia, provided that this exemption shall not take effect until the Secretary has published notice in the Maryland Register of the Secretary's determination that the Virginia, Potomac River Fisheries Commission, or District of Columbia requirements for a tidal water sport fishing license are substantially similar to and reciprocal with the Chesapeake Bay and coastal sport fishing license requirements of this section;

(4) Is fishing pursuant to any special charter boat license issued under subsection (d)(1) of this section;

(5) Is a resident serving in the armed forces of the United States while on leave in the State, during the resident's leave period, if, while fishing, the resident possesses a copy of the resident's official leave order;

(6) Fishes on a free fishing day designated by the Secretary;

(7) Holds a current resident consolidated senior sport fishing license issued under § 4-216 of this title;

(8) Holds a current registration issued under subsection (d)(3) of this section; or

(9) Is fishing on a commercial fishing pier licensed under subsection (d)(4) of this section.

(d) (1) The Department may provide by regulation for issuance of a special charter boat license that shall be effective for not more than 1 year and shall expire on August 31 and that would be valid for all individuals on a single vessel operated by a fishing guide licensed under § 4–210.1 of this title or § 4–701 of this subtitle or for all individuals on a vessel under the guidance of a fishing guide licensed under § 4–210 of this title in tidal waters of the State. The fee shall be:

- (i) For 6 fishermen or less \$240.
- (ii) For 7 or more fishermen \$290.

(2) (i) The Department may provide by regulation for issuance of an annual special Chesapeake Bay and coastal sport fishing license, which when permanently affixed to a boat registered in any state shall authorize any person on the boat to fish for finfish in the Chesapeake Bay or in its tributaries up to tidal boundaries or in State waters of the Atlantic Ocean and the Atlantic coastal bays and their tributaries, except that such a license may not be used on a boat that has been hired to take such persons fishing.

- (ii) The annual fee for this special license shall be \$50.

(iii) If a boat owner purchases the special license under this paragraph, the boat owner may fish anywhere in the Chesapeake Bay and its tributaries or the State waters of the Atlantic Ocean and the Atlantic coastal bays and their tributaries, whether the boat owner is fishing in the owner's boat, in another person's boat, on land, or elsewhere. The Department shall issue a complimentary Chesapeake Bay and coastal sport fishing license to the boat owner who purchases a special license under this paragraph. If a boat to which the special license is affixed has more than one owner, then only the individual applicant who signs the application for the special license shall be entitled to a complimentary Chesapeake Bay and coastal sport fishing license under this paragraph.

(3) (i) An individual shall register with the Department before fishing in any of the following areas that do not require a Chesapeake Bay and coastal sport fishing license:

- 1. A free fishing area established under § 4–214(b)(1) of this title with hook and line;

2. On private real property bordering on tidal water as an owner or tenant of the property, or a spouse or an immediate family member who resides on the property with the owner or tenant; and

3. On a boat licensed under paragraph (2) of this subsection.

(ii) There is no fee for registration under this paragraph.

(iii) An individual required to register under this paragraph shall provide all the information requested by the Department.

(4) (i) 1. The Department may provide by regulation for the issuance of a special commercial fishing pier license that is valid for all individuals fishing from the pier in tidal waters of the State.

2. The annual fee for the special commercial fishing pier license shall be \$290.

(ii) Individuals fishing from a licensed commercial fishing pier are exempt from purchasing a Chesapeake Bay and coastal sport fishing license.

(iii) 1. The owner or operator of a licensed commercial fishing pier shall maintain a log of the contact information of the persons fishing from that structure each day.

2. The logs required under subsubparagraph 1 of this subparagraph must be submitted electronically as prescribed or approved by the Department.

(e) (1) In this subsection, “former prisoner of war” means a person who, while serving in the active military, naval, or air service of the United States, was forcibly detained or interned in the line of duty by an enemy government or its agents, or a hostile force, during a period of armed conflict.

(2) The Department may issue a lifetime complimentary Chesapeake Bay and coastal sport fishing license to any Maryland resident who certifies that the resident is a former prisoner of war or a 100% service connected disabled American veteran.

(3) The Department may issue a lifetime complimentary Chesapeake Bay and coastal sport fishing license to an out-of-state person who certifies that the person is a former prisoner of war or a 100% service connected disabled American

veteran if the person's state of residence extends similar privileges to former prisoners of war or 100% service connected disabled American veterans of this State.

(4) A complimentary Chesapeake Bay and coastal sport fishing license is not transferable.

(5) The Department may issue annually a complimentary Chesapeake Bay and coastal sport fishing license to the President of the United States, the governor of any state, and any official of the game and fish department of any other state.

(6) Not more than 20 complimentary Chesapeake Bay and coastal sport fishing licenses for each state other than Maryland shall be outstanding at any time.

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